



**SEALED**

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7 **UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

8 UNITED STATES OF AMERICA,

Case No. 2:21-mj-648-BNW

9 Plaintiff,

**MOTION TO SEAL**

10 vs.

**(Filed Under Seal)**

11 DARNELL DEONTE CALVIN

12 and

13 ANDREA TIONDA CARR,

14 Defendants.  
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17 The United States, by and through the undersigned, calls upon the inherent  
18 authority of the Court and that of Federal Rules of Criminal Procedure 3, 4 and 6(e)(4)  
19 and Local Rule IA 10-5, to respectfully move for an Order sealing the Criminal  
20 Complaint, Arrest Warrants, this Motion, and the Court's Order in the above-captioned  
21 matter now pending until such time as this Court, or another Court of competent  
22 jurisdiction, shall order otherwise. In support of this Motion, the government submits the  
23 following.  
24

## MEMORANDUM OF POINTS AND AUTHORITIES

The United States submits that it is necessary for said documents to be sealed in light of the fact that they make reference to information regarding an on-going grand jury investigation and the planned arrest of the named defendants. Premature disclosure of the information contained in these documents would jeopardize the investigation and might place law enforcement agents, the defendants and the general public at greater risk when executing the arrest warrants.

For example, in this case, if the perpetrators of the crimes described in the Complaint were to discover that law enforcement officers would soon arrest them, those perpetrators could move or destroy physical evidence connecting them to the crimes, such as the firearms or ammunition, or records and paraphernalia of the firearms and ammunition. More, upon learning that law enforcement officers are aware of their activities and current location, the targets could flee to avoid the execution of the requested arrest warrants.

Moreover, because the Complaint also concerns the subjects' apparent trafficking in arms to California, specifically to the San Francisco Bay area, ongoing sealing is necessary to prevent disclosure of the details of the investigation to this or other targets who law enforcement continue to investigate and who may be the subject of future search warrant applications and criminal charges.

Accordingly, the prejudicial consequences of disclosure far outweighs the public's narrow right to access pre-indictment warrant information. *See Times Mirror*, 873 F.2d at 1214 (“[W]arrant proceedings and materials should not be accessible to the public, at least while a pre-indictment investigation is still ongoing as in these cases”); *see also United States v. Sealed Search Warrants*, 868 F.3d 385, 391 (5th Cir. 2017) (“The Ninth Circuit [in *Times*

1 *Mirror*] takes a bright line position on the public’s common law qualified right of access to  
2 judicial records: the right simply does not extend to pre-indictment warrant materials.”).

3 Respectfully submitted this July 28, 2021.

4 CHRISTOPHER CHIOU  
5 Acting United States Attorney

6 //s// Daniel J Cowhig  
7 DANIEL J. COWHIG  
8 Assistant United States Attorney  
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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**

7 UNITED STATES OF AMERICA,

Case No. 2:21-mj-648-BNW

8 Plaintiff,

**SEALED ORDER**

9 vs.

10 DARNELL DEONTE CALVIN

11 and

12 ANDREA TIONDA CARR,

13 Defendants.  
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16 Based on the United States' motion, the Court's inherent authority, and the  
17 authority provided in Federal Rules of Criminal Procedure 3, 4 and 6(e)(4) and Local Rule  
18 IA 10-5, the COURT HEREBY FINDS AND ORDERS that the complaint in this case  
19 and all related documents must be kept under seal until further order of the Court.

20 IT IS FURTHER ORDERED THAT the Clerk's Office for the United States  
21 District Court for the District of Nevada must release the sealed complaint to the CJA  
22 Panel Resource Attorney, who may use the information in the sealed complaint for the  
23 sole purpose of securing defense counsel in a timely manner.  
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1 IT IS FURTHER ORDERED THAT, on the day of the arrest of the first defendant  
2 in this case, the CJA Resource Attorney may provide defense counsel a copy of the sealed  
3 complaint.

4 DATED July <sup>28th</sup>\_\_\_\_, 2021.

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7 HONORABLE BRENDA N. WEKSLER  
8 UNITED STATES MAGISTRATE JUDGE  
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